IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9070 of 2005

Between:

Kothapalli Subba Rao, S/o. Kondaiah,
Kurnool Road, Ongole, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer, Santhanuthalapadu,
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more in the nature of writ of Mandamus declaring the action of the respondents in not considering the representation made by the petitioner as early as on 26-1-2004 seeking the relief of restoration of the possession of the House site assigned in his favour as illegal, arbitrary, and violative of Art.14 and 21 of the Constituion of India and consequentially to direct the respondents to consider the representation made by the petitioner on 26-01-2004 and to take steps to put the petitioner in posession of the Plot.No.2F in Sy.No.129 of pernamitta village, Santhanutalapadu Mandal, Prakasam District forthwith.

Counsel for the Petitioner:MR.M.SUDHIR KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

-

-

-

-

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9070 OF 2005

-

ORDER :

The petitioner claims that he was assigned a house site patta in the year 1987 in respect of Plot No.2-F in Sy.No.129 of Pernamitta Village, Santhanuthalapadu Mandal, Prakasam District. It is alleged that in the year 1995 the 2nd respondent has granted a patta in respect of the very same plot in favour of one Kavuri Sujatha. It is also stated that the said Smt. Sujatha has occupied the plot of the petitioner and she has been continuing in possession of the same.

The grievance of the petitioner is that since the assignment in favour of the said Sujatha is illegal, the respondents ought to have restored the plot in question to him. He also claims that as a matter of fact the patta in favour of Smt. Sujatha was already cancelled, but she is continuing in possession. It is stated that in the circumstances he made representation dated 26-1-2004 requesting the respondents herein to evict the said Smt. Sujatha from the plot in question and to restore the possession to him. It is alleged that the respondents have not taken any steps. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

At the outset, it is to be noted that except a copy of the representation dated 26-1-2004 said to have been made by the petitioner, nothing has been placed before this Court to substantiate the averments made by the petitioner in the affidavit filed in support of the writ petition. There is no material to show that the representation of the petitioner dated 26-1-2004 was actually received in the office of the respondents. The petitioner also failed to produce any material to show that the house site patta was granted in his favour in the year 1987 much less any proceedings to show that the same plot was assigned in favour of Smt. Sujatha. As a matter of fact, in the affidavit the petitioner himself has stated that there is some dispute about the identity

of the plot assigned in his favour and the plot assigned in favour of Smt. Sujatha.

In the facts and circumstances and in the absence of any material to substantiate the petitioner's case, I am not inclined to grant the Writ of Mandamus as prayed for.

Accordingly, the Writ Petition is dismissed. No costs.

However, this shall not preclude the petitioner to institute appropriate proceedings afresh for redressal of his grievance.

_____

21st April, 2005.

sh

To

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer, Santhanuthalapadu, Prakasam District.

3 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 2 CD copies.

5 1 CC to MR.SUDHIR KUMAR.